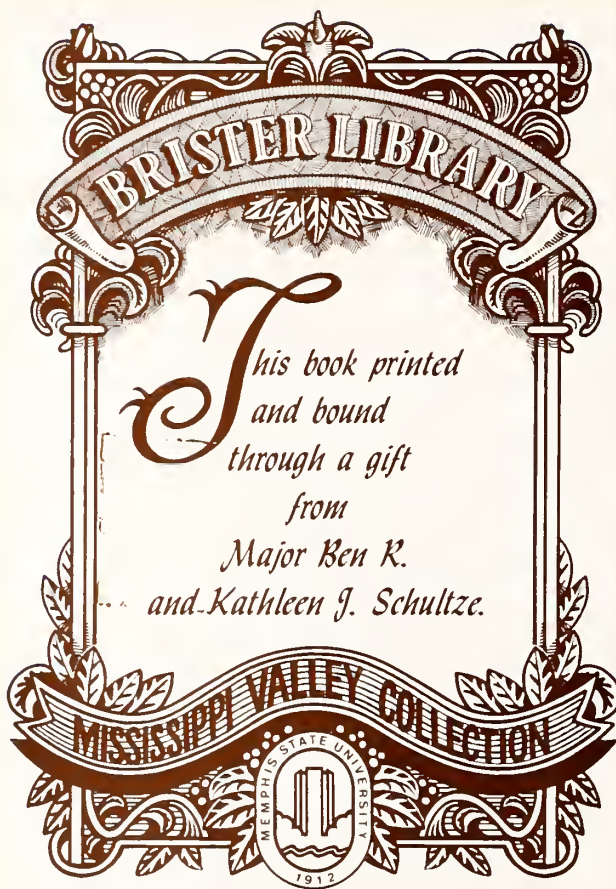


THE HEISKELL FAMILY IN MEMPHIS
INTERVIEWS WITH MR. LONGSTREET HEISKELL

BY - REBA ORMAN
TRANSCRIBER - JEAN CRABTREE
ORAL HISTORY RESEARCH OFFICE
MEMPHIS STATE UNIVERSITY



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THE HEISKELL FAMILY IN MEMPHIS
INTERVIEWS WITH MR. LONGSTREET HEISKELL

AUGUST 18, 1973

BY REBA ORMAN

TRANSCRIBER - JEAN CRABTREE

ORAL HISTORY RESEARCH OFFICE

MEMPHIS STATE UNIVERSITY



MEMPHIS STATE UNIVERSITY
Oral History Research Office
MEMPHIS, TENNESSEE 38152 TELEPHONE 821-1524
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Director

April 1, 1981

TO: Eleanor McKay

FROM: Charles Crawford

We are sending you manuscripts and tapes of two interviews conducted on August 18, 1973, by Ms. Reba Orman with Mr. Longstreet Heiskell.

Mr. Heiskell is now deceased, but it was his intention to give these interviews for inclusion in the oral history collection in the Mississippi Valley Collection at MSU. I therefore release them for use by this letter.



THIS IS THE ORAL HISTORY RESEARCH OFFICE OF MEMPHIS STATE UNIVERSITY.
THE PLACE IS MEMPHIS, TENNESSEE. THE DATE IS AUGUST 18, 1973. THE
INTERVIEW IS WITH MR. LONGSTREET HEISKELL. PRESENT WERE: MR. WILLIAM
HICKMAN AND MR. PAUL COPPOCK. THE INTERVIEW IS BY MISS REBA ORMAN.
TRANSCRIBED BY JEAN CRABTREE.

MISS ORMAN: Mr. Heiskell, we would like for you to
start telling us a little bit about your-
self, beginning with your date of birth.

MR. HEISKELL: I was born in Memphis, November 4, 1890, and
have lived here all my life. My education
was in the public schools of Memphis and my academic work was at the
University of Tennessee, at Knoxville, and I finished my law work at
the University of Virginia. My license is dated August 1914, and
while I have practiced law from an office in Memphis all of my practice
years, I have practiced in parts of 8 states, not counting the appellate
work in Washington and other appellate courts.

The reason for the varied practice is largely due to the fact that I
represented the local office of Greyhound Lines and my territory inclu-
ded the 8 states, but the practice outside of Memphis was not confined
merely to those Greyhound cases. My first firm was Anderson, Crabtree and
Heiskell. For about ten or twelve years with that firm I tried nothing
but plaintiff cases. They were against the streetcar company then, the
railroads and sometimes they would have defendents such as power and
light companies and things of that sort. I averaged, I suppose, about



two cases a week, the in-between time being spent preparing the next case for trial. So my early practice was nearly all trial work. After leaving Mr. Anderson and Mr. Crabtree, I went into partnership with my older brother, Lamar Heiskell, and we practiced law for approximately a year, when I was invited to join the firm of Wilson, Gates and Armstrong. That is Walter Armstrong, Sr. I was a cub in the office.

I spent a year in that firm and it's the only year of my practice where I never tried a lawsuit. I was reduced to carrying books, writing briefs and investigating witnesses. So when I had a chance to go back to the old firm, I did, and got to trying cases again. The next firm of any importance I joined was the firm then headed by Walter Chandler. Walter was associated with Henry Shephard and Larry Owen, two very distinguished gentlemen. Larry Owens' father was on the Court of Appeals; Henry Shephard's uncle was Trust Officer of the Bank of Commerce, as it was then before it was nationalized. I stayed with that firm and its successive firms until the present day. The firm was changed when Walter Chandler went to Congress, and became Shepherd, Heiskell and Owen. It was changed again when Owen died and became Shepherd, Heiskell and Williams: The last man being Ernest D. Williams, Sr., recently died.

When Shepherd began to tire of the practice and become less active, the firm needed new life. Among the important clients to be represented at that time was the First National Bank, and the First National Bank had an idea that it should be represented by one of the two or three largest firms in the city. It then fell to my line to try to work out

some system by which we could enlarge the firm, and don't think that's an easy task. Finally I insisted, and the other members of the firm agreed, to join with the firm of Lewis Donelson, III, and we formed the present firm of Heiskell, Donelson, Adams, Williams and Wall.

MISS ORMAN: Do you recall about what year that was?

MR. HEISKELL: About ten years ago. Now you see from the old firm of Anderson, Crabtree and Heiskell to Chandler, Shepherd, Owen and Heiskell, the Heiskell name has come from last to first, and I have now been the first name in the firm for the last ten years. The firm had its troubles, because when you join two separate firms it's a difficult thing to amalgamate the practices. Lewis Donelson assumed, at my request, the active leadership of the firm and is responsible for the organization of it along modern lines. We had conflicts where clients were suing clients, and we had conflicts where one client didn't want us to represent another client. But those matters worked out to our ultimate advantage, and the firm now consists of 22 partners and associates and just about as many girls taking care of the office, counting the office manager, the bookkeeping department and the typing department and the various secretaries. It is one of the largest firms in the city of Memphis and does a respectable amount of business. Now that is the situation that I am in today, except for one matter, and that is because of my increase in years I have done less and less active practice and turned more of the trial work over to the younger lawyers who try my cases under my supervision, and they're doing a good job at that. It reminds me of the time I went to an old lawyer, C.H. Trimble, and asked if I could advise with him about a condemnation case that I had. Mr. Trimble was most gracious and said, "Why certainly, come right in and have a seat. Half of the fun that we older lawyers have is teaching you youngsters

how to take our clients away from us." And that's exactly what I'm doing today--watching the younger members of my firm take my clients away from me--and I'm delighted they're doing so well. So far as my practice in Memphis is concerned, that is about the history of it.

MR. COPPOCK: Longstreet, let me suggest that you put years with the names of the firm. That is, when you were with Anderson, what years were those and then what was the year when you were with your brother, etc? Can we put some years in there? And while you're doing it you might name the location of the firms. Now when I first knew you, you were in the Porter Building, but most of the time I knew you, you were in the Sterick Building.

MR. HEISKELL: That was Walter's.

MR. COPPOCK: That was Walter's firm of course. Now it seems to me that this would have more value, if you could put the years and the locations in these partnerships.

MR. HEISKELL: Paul, I can't do that off hand. I just don't remember. I know I stayed with Anderson and Crabtree in my two terms of service with them, first as a cub in the office and as a partner in the firm, for about 15 years. But the other dates, I just don't think I can remember. I think I could reconstruct them.

MR. COPPOCK: Well now, the big firm that I can remember best of course, was Chandler, Heiskell. . .

MR. HEISKELL: Chandler, Shepherd, Owen and Heiskell. I was the last man.

MR. COPPOCK: Now that firm was not established until Walter Chandler had become city attorney under Watkins Overton, and I would

fix the year at approximately '28 or '29, because Overton became Mayor January 1, 1928.

MR. HEISKELL: Walter Chandler at that time was city attorney, and I was one of the city trial attorneys.

MR. COPPOCK: Yes.

MR. HEISKELL: So I joined with him and worked with him under Watkins Overton's administration.

MR. COPPOCK: And then later joined the firm?

MR. HEISKELL: And then joined the firm. Just a couple of years before he went to Congress.

MR. COPPOCK: Well, he went to Congress--let me see--well, I couldn't recall that date. Course it's not essential, but if you could give more years and locations. . .

MR. HEISKELL: I could construct it and give it to you on the side. You have got to reconstruct this.

The only distinction that I have in the practice is as a trial lawyer.

While Walter Chandler was still in the firm, there was organized what they call the American College of Trial Lawyers. It is a national organization emphasizing the activity of trial work. I was nominated and elected to membership in that association. The history of it is that the trial lawyers asked the American Bar Association to organize a division of trial lawyers, and the Board of Governors of American Bar Association said, "No, trial lawyers are connected with all sorts of practice and didn't serve any particular division by themselves, and so they instigated a new group, organized aside from the American Bar Association." Some

years ago at Birmingham, the President of the American Bar Association that year addressed the college of trial lawyers, and he made this remark. He said, "On my wall I have the various licenses--my license to practice before the various circuit Courts of Appeal and the Supreme Court of the United States--my membership in the Bar Association," but said, "you know, the thing I'm proudest of is that little wooden plaque that says we're in the American College of Trial Lawyers."

I feel very much the same way. So far, as any important cases are concerned, I have always tried cases the same way. If they involve \$500 or \$500,000, it didn't make any difference to me. I have never gotten used to the modern system of trial lawyers charging a client on an hourly basis. Because if you've got a small lawsuit and you're going to charge on an hourly basis, you'd better turn him loose before you start, because the first hour's work is going to equal half of the amount involved in the lawsuit. So I have never gotten used to it.

The case that I'm proudest of was tried in Mississippi at Yazoo City. The case involved a passenger on a Greynound Bus--a girl 6 or 7 years old--with claims through a specialist doctor that she had been injured in her pelvis and would never be able to bear children. The suit was filed for \$3000, which was the limit that you can go and stay in state court, suing for a non-resident corporation. They didn't sue for any more than that because they didn't want the case removed to the federal court. And in the Mississippi law, the plaintiff has a personal privilege not to be examined by any doctor except with her own consent. That is a matter of personal privacy, and she's not to subject her person to examination except by permission and, of course,

the plaintiff's lawyer does not give permission. So I tried the case, or got ready to try it, and Yazoo City could not remove. The plaintiff's lawyer came up to me and said, "I'll give you \$500 in this case." And I said, "I beg your pardon. I thought you were suing me. I didn't know I was suing you." "Oh, you know what I mean; I'll knock off \$500 and accept a judgment and verdict for \$2500, instead of \$3000." He said, "You know the jury's going to give me \$3000." I said "Yes, I know the jury's going to give a verdict of \$3000, and I think I know that you've got a 50% contract, and when you collect that \$1500, you're going to well know that you earned it." We went ahead and tried the case. The opening statement of the plaintiff's lawyer was, "Gentlemen of the jury, in this case I see \$3000. You know why, and I want a verdict of \$3000."

He need not have said anything more, because that was enough for that jury. All of them knew him personally. He was President of the bank and most of them owed him money, but I went ahead and argued as hard as I could and sure enough the jury came back with the verdict of \$3000.

And I appealed. Now, during the trial of the case I had asked for a physical examination of the plaintiff. The court smiled and said, "That's not done in Mississippi, and your motion is denied." But the plaintiff's counsel, being a little over enthusiastic when he started to finish up his proof of his plaintiff, said to the little girl, "Now lift your skirt and show the scar of the wound that was left from the accident." There couldn't possibly be any connection between the scar

that she had on her stomach and the accident--the bus running off the side of the road. But anyhow, she lifted up her skirt and showed what looked like a rough appendix operation. And during the trial, he had not the doctor that treated her, but a specialist that testified from the history of the case and his examination of it, she would never be able to bear children. So when the little girl showed her scar to the jury, I said to the local attorney, "Object and demand a physical examination." He said, "No, that will prejudice the jury." I said, "You aren't going to prejudice that jury beyond what it is now," and jumped up and asked the court to suspend trial and give me a physical examination of the plaintiff because she had waived her personal privilege of not being examined by not showing herself to a professional man but to twelve layman.

The court there promptly overruled the request for an examination; and when they took it to the Supreme Court, they reversed it and sent it back. So I tried it over again with my expert testifying there couldn't possibly be a connection with the scar and the type of accident that had occurred, and there couldn't possibly be any injury received by the plaintiff that would interfere with her bearing children. So the second time the jury went out, and I firmly expected them to return another verdict for \$3000. To my surprise they returned a verdict of \$1500. So I had cut Mr. Barber's fee from \$1500 to \$750, and I appealed again to the Supreme Court on the grounds there was no injury and the x-ray testimony showed none. And the judgment of the Supreme Court, affirming the judgment of \$1500, beat me back to Memphis. It got to my office before I did, so I paid the \$1500 and Mr. Barber well knew that he'd earned his 50% fee. Now that case did not involve but \$3000, and yet

it is to me the most important principle--that I have established to try to get a court to give justice and an even break between parties. And it has been followed by the Supreme Court a number of times since, and they do hold that there can be a waiver of personal immunity from examination.

MR. COPPOCK: Have you got some more?

MR. HEISKELL: Probably the most important case regarding the amount involved, or the amount that could be involved if it were lost by other claims of the same type, was a suit in which E. L. Bruce Lumber Company sued E.I. DuPont because DuPont had manufactured an experimental chemical for the purpose of killing the fungus that grows in the sapwood of lumber. Now, when my grandfather built his home he didn't have any sap lumber in his home, they used only hard, and it was just as solid when I tore the house down as it was when it was built. But as time went on and lumber became scarcer, they used the sap of the tree, and that would discolor and look very ugly because of the fungus growth.

Well, the DuPont Company had put this chemical known as ligneous sand out with all sorts of precautionary advice that it was experimental and must be used carefully, etc., but the Bruce people had dumped ligneous sand into what they called dipping bath and used it for days on end without changing. The dipping bath was made of sheet metal, and ligneous sand in that vat constantly turning over and over would mix with whatever there was in the vat. Well, the sap lumber of oak has a great deal of tannic acid in it and tannic acid and iron may eat, if you will look at some of your old prints, ^[or] books you will find that the

paper is stained with a yellow color because they used tannic acid ink. Well the lumber came out of this ink a lot blacker than it would have ever been with the fungus in the sapwood.

Not only did Bruce continue to use it but ran an enormous amount of lumber through it and then sued DuPont Company for some \$150,000 about, which was in that day a big lawsuit. Not so big today. We tried it out before a jury and had a private session that lasted five weeks before Judge Ben L. Capell, who was one of the best circuit judges I ever tried before. Walter Canada was representing Bruce Lumber Company and he was preparing for a big spiel, so after we'd finished the proof and gotten overruled on the motions that we had made--like lack of contract and so forth, lack of warning observation by Bruce--Canada allowed his younger law partner, Eddie Russell, to open the argument. Eddie opened the argument very well, he covered the situation in matter-of-fact form without any oratory, and then as he sat down the house counsel for the DuPont Company punched me and said, "Tell the judge to charge the jury." So, thereby waiving our argument, we destroyed any opportunity that Colonel Canada had to make an oration in reply.

Well, the colonel turned around about three times, sat down half missing the chair he was sitting on, but the court couldn't do anything about it except advise us that he thought we were doing wrong not to argue the case to the jury. [The court] said you would prejudice the jury against the defendant. The house counsel said, "Judge, I've been with the DuPont Company half my lifetime, and I've never seen a jury that wasn't prejudiced against the DuPont Company when it took the oath to serve on the jury box. And you don't need our argument to help you charge the jury. You just go ahead and charge the jury."

So the jury came in with a verdict that was within the amount sued for but which was larger than the amount that the plaintiff added up was the total amount they had proved as an injury. In other words, we'll say they've proved and said to the jury, "Now gentlemen, we've failed to prove such and such damage and therefore all we have proved is \$117,000 damage, and we want a verdict for that amount." The jury went out and came back with a verdict of \$126,000. We carried that to the Court of Appeals, and it was reversed and the certiorari was denied by the Supreme Court, so it never got published in the Supreme Court report. That probably was the most interesting case that I had tried that involved real money.

Now there are a number of other cases that I have taken a delight in trying. One was an antitrust case in which the government sued Continental Baking Company for agreeing with other bakeries on the price of bread. You might be interested to know that the price they fixed was 15¢ a loaf. The last price I paid for bread was 40¢ and that was without raisins. The case was tried before a jury and the judge eliminated all of my expert testimony as to the economic situation that accounted for the same price. If one loaf of baker's bread, one baker's loaf, was 1¢ higher than the others he couldn't sell his bread--that they had to sell it at the same price. The judge overruled all my economic proof. The Court of Appeals in Cincinnati reversed it and sent it back and the second time we tried it, we got a verdict for the defendant, so that case to me was quite interesting.

I have trouble in the present day in getting the young lawyers to want to carry on a losing cause. If they have lost before the jury, or if they find a case in the books against them, they want to give up,

and that ought to be an inspiration to work harder to find something they can rely on. And a trial lawyer who does not have an ambition to find something to work with will never make a success at trial work. You can always find plenty against you. I remember other clients that I represented: I mentioned Greyhound and other big companies--the DuPont Company, International Harvester Company--has had a number of interesting cases, and there are a half dozen others along the course of my practice I have enjoyed working with immensely.

I have said often to younger lawyers that the real pleasure of practicing law is the fact that you meet and are thrown with so many attractive people--the offices of big corporations, the big men of independent business--like insurance companies and insurance agencies. Those men usually are men of personality, ambition, intelligence, and not to place least among those persons that you meet are your opposing lawyers, which nearly always deserve respect. The judges are, of course, quite interesting and when you can get acquainted with them, they are delightful company. The judges have a lonesome life because the trial lawyer is afraid to be too intimate with the judge, or at least he ought to be!

MR. COPPOCK: Longstreet, let me ask you if you weren't with Fred Smith before he was Greyhound? Didn't you represent Fred Smith when he was just getting started?

MR. HEISKELL: No, Walter Chandler represented Fred Smith when it was Smith Motor Coach. Then Fred sold Smith Motor Coach to a subsidiary of Greyhound, known as Dixie Greyhound Lines.

MR. COPPOCK: Yes sir, I remember that.

MR. HEISKELL: And my start was about the time Smith Motor Coach became Dixie Greyhound Lines. Since then Dixie Greyhound Lines has become a part of Greyhound Lines in the national corporation.

MR. COPPOCK: There was a still earlier period when Smith operated what, I think, he called a Golden Eagle route from Jackson through Huntingdon, and from Paris through Huntingdon and Jackson to Memphis, and I was a customer. He had huge 7 and 9 passenger sedans--not really buses--but that was before your time--your connection with him.

MR. HEISKELL: That was before my connection, and it was, I think, Smith Motor Coach, but that was the very beginning of it. I remember the Eagle route, and he had a little later when he got the truck chassis with bus bodies put on them, he had what he called the Governor's special which ran from Memphis to Nashville.

MR. COPPOCK: Yeah. Then he went over and across the river and got tangled up in opposition with Gregory Bus Lines. Do you remember that?

MR. HEISKELL: I fought Gregory for many years.

MR. COPPOCK: Yeah, but you were not associated with him at the time he was running practically a one man operation with a ticket office on Front Street?

MR. HEISKELL: I remember the ticket office on Front Street, but I did not represent him then. The main line he had then was Memphis to Covington.

MR. COPPOCK: Yes. That was the one I was familiar with

in those days, and he was the pioneer, the integrater, that proved that it could pay its own way, although people wondered whether it was paying its own way because he had his wife selling tickets in the daytime and mopping up the depot at night. Do you remember that?

MR. HEISKELL: That's quite true. And there was a time when he had gotten the Memphis to Covington route going good, and there were no regulations of buses--no governmental regulations--and a couple of other fellows started running Memphis to Covington. And they'd come by Smith's station on Front Street and say, "All aboard for Covington," and take his customers. So Fred employed a man named Phillips, and Phillips was advised of what the situation was and was given a broom. His job was to sweep out the station, but he swept the station of a great deal more than just trash. The competition soon stopped.

MR. COPPOCK: Yes, well I thought you must have known about that. Let me ask, weren't you connected with Fred at the time he was going after Lewis Leroy's record on the river run when he put his boat--and he called it the Greyhound; it was actually a cabin cruiser; a lot of people called it a yacht, but it wasn't big enough.

MR. HEISKELL: The cruiser that went from New Orleans to St. Louis, trying to beat Leroy's time?

MR. COPPOCK: Well, it did eventually.

MR. HEISKELL: It did, but Leroy claims he cheated. I've forgotten now what the difference was.

MR. COPPOCK: Well, I think he collected the cup anyway-- the Corning Cup out of St. Louis, didn't he?

MR. HEISKELL: Yes, his official time was better than Leroy's. And he beat the time of the Robert E. Lee and the Natchez.

MR. COPPOCK: Yes. Were you with him then?

MR. HEISKELL: I was with Walter Chandler then, but I had not tried any of his cases.

MR. COPPOCK: Yeah. I was just wondering how many years of effort that represented; that was what I was trying to get at. I think Fred Smith tried to run three or four times before he made it. Now Leroy had tried it a half dozen times at least, before he beat the Lee time.

MR. HEISKELL: Yes.

MR. COPPOCK: And I think Fred Smith had a hard time beating Leroy.

MR. HEISKELL: I haven't any idea how many times he ran it. I know more than once, and it seems to me there was something regarding the stopping and getting the motor changed or a motor repair job in route that Leroy questioned his right to do that.

MR. COPPOCK: Well, I think the question was about substituting. Didn't he substitute a motor--substitute a transmission--or something like that?

MR. HEISKELL: Some part of it. Some part of it was replaced and Leroy said that wasn't fair; that the same boat didn't make the whole trip.

MR. COPPOCK: That's right. But nevertheless, the St. Louis Yacht Club did give Fred Smith the Corning Cup.

MR. HEISKELL: Yes.

MR. COPPOCK: As a record holder, as I recall it.

MR. HEISKELL: I think that's right.

MR. COPPOCK: And I thought that perhaps you were close enough to Fred to remember that situation.

MR. HEISKELL: I remember the situation, but it was before I was actually trying any of his cases.

And of course, his cases did not limit themselves to Greyhound. He had all sorts of tax trouble with the government. As soon as they saw Fred Smith's signature on a tax return, they said, "Audit this, " and we were in court half the time on his tax returns.

MR. COPPOCK: As a matter of fact, in his early years he was pretty weak on his office procedure, wasn't he?

MR. HEISKELL: Oh, very.

MR. COPPOCK: Wasn't he essentially a mechanic?

MR. HEISKELL: He started out running trucks in the daytime and repairing them at night himself.

MR. COPPOCK: Sure. And he didn't have accounting and office procedure background and didn't consider it very important until it got him in trouble, did he?

MR. HEISKELL: That's true.

MR. COPPOCK: Then he'd run up to his lawyer and--

MR. HEISKELL: Say get him out.

MR. COPPOCK: Yeah, isn't that true?

MR. HEISKELL: And we didn't always get him out.

MR. COPPOCK: Yes I know. I remember one case in particular, but we won't bring it up. But he was, to me, one of the most original personalities in Memphis when he was at his peak.

MR. HEISKELL: He was not only original, he was extremely intelligent about business affairs and was as charming a host, when sober, that you'd ever hope to find, but mean as hell when he was drunk.

MR. COPPOCK: No question. And he, or well, we could talk about Fred Smith forever.

MR. HEISKELL: Oh he was a personality.

MR. COPPOCK: He was also quite friendly. I think the first time I ever talked to him he invited me to come back and ride on his boat. I didn't, but he was just that type of person.

MR. HEISKELL: Not only that, he was just cordial by nature. He entertained repeatedly on a little boat that he bought for a tow boat--or a push boat to push barges. Then after he bought it he found it was too light and couldn't take the current of the Mississippi River, so he made a pleasure boat out of it--called it the Unique, and I 've ridden the Unique on many occasions. On one occasion Colonel Canada and I were on it, shortly after we'd tried the Bruce

case, and Charlie Ransom was on it.

MR. COPPOCK: He was a lumberman.

MR. HEISKELL: Lumberman and, of course, knew the Bruce people very well, and, of course, knew Colonel Canada and knew me. And very much to our surprise, before we got to our usual stop up the river on the sand bar, the Unique nudged into a little sand bar about half way up the river and Charlie Ransom threw a soap box out and said, "Now you all didn't get to finish your arguments in that case in Circuit Court. Get out there and argue it."

MR. COPPOCK: In about ten minutes I'm going to have to break this thing up.

I recall a story of J. B. Heiskell when he was engaged in that practice. He bought him a very fine, beautiful horse and as he was riding toward the court, he was urging his horse forward. Some gentlemen rode up beside him on a little moth-eaten animal and they struck up a conversation. He said, "That's a fine looking horse you have there, but it can't walk." And J.B. said, "What do you mean, it can't walk?" "Well," He said, "I mean he can't walk." And with that they started off to see which was the faster horse and the little moth-eaten horse left the fine looking horse behind so far it looked like he was tied. The result was that the trade was made in which the fine horse was traded for the moth-eaten horse with a bonus. When grandfather got to court they were talking to him from time to time about the horse that he had and making fun of his looks, but all that he had to do for an answer was to challenge for a walk, and it turned out that he had the best walking horse of any of the lawyers or judges. Well, with a good deal of care and attention and proper housing and feeding, he finally got rid of the moth-eaten look, and by the next term of court he had a horse that was respectable looking.

After practicing law at Rogersville and riding the circuit as indicated, he was confronted (at the age of about 38, I guess) with the fact that there was imminent the War between the States. East Tennessee was very much like West Virginia--it was greatly sympathetic with the North, [only a] minority [were] of the Confederate persuasion. Grandfather was dedicated to the South and to the state and became somewhat prominent in the Confederate government.

He had a brother, however, Ferdinand, who was a Union soldier. When the war broke out, J.B. Heiskell was elected to the first term

of Congress. He was very much disgusted with the Confederate government, headed of course by Jefferson Davis, and because they were dealing with Buck Leg the Butcher, as he was known, the general of the North who was especially famous for his brutality in regard to trying to exchange prisoners and that sort. So, J.B. Heiskell left Richmond and went back to Rogersville, where he found there, what were called in that day, Bushwhackers. You could call them irregulars or some other like name, and those Bushwhackers, being Union sympathizers, were living off the country. They had no real connection with the Union army, but their principal purpose was to harrass those of the Confederate persuasion by stealing their horses, their cattle and their silver and anything else they could trade. So J. B. Heiskell got a group of older men together (see he was then 39 years old) and they rounded up the Bushwhackers and took them to Knoxville and put them in prison there.

And from that time on he was never very popular among the Union sympathizers of East Tennessee. He was reelected to the second term of the Confederate Congress, and as he was preparing to travel back to Richmond he was surprised by a raid on Rogersville, and was captured and carried to Knoxville, Nashville, and Chattanooga, and finally to Camp Chase, just a short distance out of Columbus, Ohio, which was a prison detention camp where there were some seven or eight thousand Confederate prisoners. It was at Camp Chase that J.B. Heiskell met A. O. P. Nicholson, a lawyer from Williamson County, Tennessee. Now they are good ways apart--Rogersville in far East Tennessee and Williamson County in Middle Tennessee--so they had not known each other prior to the meeting in the prison camp. One day when they were chat-

ting, J.B. said to Nicholson, "What are you going to do when we get out of this place?? And Nicholson said, "Well, I'm going back to Tennessee, and I'm going to run for judge of the Supreme Court, and I'm going to be elected and made Chief Justice of the Supreme Court of Tennessee." So J.B. said, "Nicholson, when you get to be Chief Justice, appoint me your Attorney General." That was probably 1864 or early '65.

They were released from Camp Chase after the war was over in June 1865. J. B. came directly to Memphis. He was afraid if he stopped in East Tennessee that somebody would take a potshot at him and he'd never get very far. He, according to my father's story, picked up F. H. Heiskell--Frederick Hugh, known by the name of Hugh, by the way--and came to Memphis. I didn't get the first part of the trip of how they got from Rogersville, or from Knoxville--from wherever it was that grandfather picked up this older son (he was then 18) and came to Memphis, but I remember Hugh Heiskell saying that they got a train in Nashville and rode as far as Johnsonville. Johnsonville is on the east bank of the Tennessee River. There was no ferry that could carry the train across and there was no bridge, so they almost literally hitchhiked all the way from Johnsonville to Memphis.

I have often said laughingly to my friends that the only reason that I am in Memphis is that when my grandfather made his way to West Tennessee to get out of East Tennessee, the river looked too big for him to swim, so he stopped at Memphis. At Memphis, J. B. Heiskell practiced law and established, apparently, a very decent practice. At least early after his arrival in Memphis he purchased a homesite

on the,well, I would say, south side. Lamar does not run east and west--it runs diagonal--but the south side of Lamar and just east of Cooper Street, which is now a part of East Parkway, South. So the residence was established soon after his arrival and the family was brought from East Tennessee and a home built on the site, which is the southeast corner of Cooper and what was then Pigeon Roost Road.

The story that is told of Pigeon Roost Road was that while pigeons used to fly in as far as the edge of city and their main place of roosting was in Nonconmah Creek bottom, which is just a few miles east of the site established as their home. They were so numerous that sometimes in lighting on the trees they would break the limbs off the trees. Then all of a sudden, without anybody knowing why or how, the wild pigeons disappeared from the American scene. There have been no wild pigeons since the early days of the last half of the nineteenth century.

The Pigeon Roost Road at that time was a gravel road about 25 feet wide--no curbs, no gutter, drainage ditches on either side--and as the winter advanced so did the depth of the lob lolly in the middle of the road, so that persons walking along the road padded down a path. So as the drainage water drained off of the gravel road, it made washes in the path. There were no lights or anything, and very often on a dark night I would count the steps to where I thought there was another ditch or washout across the path and try to jump it. Sometimes I would make it and sometimes I didn't. The reason that I was on the path was that my father, Frederick Hugh Heiskell, established his residence on Cooper Street at Carnes Avenue. Cooper Street was a little gravel pike road, as we called it. Carnes Avenue was a

dirt road, and the house was a little one-story frame cottage.

In that day we had no telephone. We had no way of getting in touch with a doctor in case of need, and I was assigned the duty of living with J. B. Heiskell--going to school from there--in order that there might be some young person in the house who could run for the doctor or run for help in case of trouble. I'm glad to say I never had to run for help because the doctor was about a mile and a half away, but I lived with grandfather and got the personality of the man.

As I went on to school and continued my living at the J. B. Heiskell home, which he had named by the way, Rebel's Rest, and having come from East Tennessee, the name was very appropriate as he had been known by it for many years. At Rebel's Rest there was a continuous series of family social events. There was always a celebration or dinner party for J. B. Heiskell's birthday. His birthday was November 5th and my birthday is November 4th, so I was privileged and was the only young person at the birthday party, it being my birthday party as well as his, and I being just one day older than he was. So when we had those parties--among them the anniversary party, the family reunions--J. B. Heiskell, being an amateur photographer, would take pictures of the groups, and they are contained in albums in various branches of the present families.

One incident occurred that seems to me worthy to mention. I have stated that Ferdinand, a younger brother of J. B. Heiskell, was a Union soldier. In the summer time, there being no air-conditioning, we sat out on what we called the front porch or veranda and fanned with a palm leaf fan (which he always called the pam leaf fan), and while we

were sitting out reading the news--the morning paper--and fanning with the palm leaf fan, J.B.Heiskell looked down a slight slope in front of the house, a good distance from Pigeon Roost Road, and saw a figure of a man coming up the path to the house. He looked over his reading glasses two or three times, and when the visitor got close enough, his remark was as near cussing as I ever heard him do. He said,"My God, it's Ferd," and sure enough Ferdinand, the younger brother, came in. He said,"Hi, Joe." Joe said, "Hi, Ferd, do you want to spend the night?" "Yes, Joe." he said. "Well, that's your room." And so far as I can recall, that's the total conversation that took place. The next morning when I got up for breakfast, Ferd was gone, and the cordiality had not increased one bit since the days of the war.

I had the opportunity of listening to J. B. Heiskell's mind. Now J. B. was not an orator; he was a matter-of-fact talker. His logic in law was exceptional and he had the reputation of being a very fine trial lawyer. He did not gain the notoriety or fame as such persons as L. Q.C. Lamar, who was an orator. But as I visualize the mind of J. B. Heiskell, and as I characterize the mind of L. Q. C. Lamar, from his works and his decisions, I've come to the conclusion that probably the keener, legal mind was J. B. Heiskells', although his fame was much less.

I don't know of much else that I can say except that when it came my time to go off to college, prior to having raised seven children, and my birth being down the line, there was some question as to whether or not it could be financed by the family. And grandfather, out of his very small income was the contributing member of the family that

made it possible for me to go to the University of Tennessee and get my academic education. His personality was extraordinary. He did not believe in letting anything change his idea, even to his pronunciation of words. He always said figger, rather than figure; he always said pam, instead of palm, and no amount of usage and no amount of hearing of other people could cause him to change one bit.

MISS ORMAN: Would you mind commenting on how he felt about Andrew Johnson? Did you ever hear him discuss that?

MR. HEISKELL: Well, as to Andrew Johnson, there was an absolute animosity between the two. Andrew Johnson, of course, during the war was the military governor of the state of Tennessee, and when J. B. Heiskell was taken prisoner, there was great concern that he might be murdered before he ever got to any safe prison camp. And when they appealed to Andrew Johnson, he said, in effect, that he considered J. B. Heiskell as one of the most dangerous men in East Tennessee and he hoped that there would be no exchange of prisoners so far as J. B. Heiskell was concerned. And so his admiration for Andrew Johnson was never what you would say a cordial relationship. He did not have the tendency to criticize anyone. I never heard him criticize Andrew Johnson. If he was mentioned, grandfather just didn't take any part in the conversation. He had no admiration at all for Jefferson Davis; I never heard him criticize Jefferson Davis. If he was mentioned--anybody criticized him--grandfather never took any part in the conversation. And his creed which was handed down to me on that was: "If you can't say anything good about anybody, just don't say anything at all."

One of his fads was what good lawyers in that day had time to orally discuss principles of law with someone else--is this good law or is it not? The expression that grandfather used was "is this black haw?" In East Tennessee the haw tree--black haw--had a berry which was edible. Now don't ask me how edible, but it was edible in East Tennessee, at any rate. East Tennessee raised a great many sheep, and the sheep would get in shade under the black haw tree and, of course, there were the droppings of the sheep. And the comment was when you picked up black haw, "Is this black haw?" Sometimes it wasn't. In the course of my living with J. B. Heiskell, he discussed various principles with me--integrity, fidelity, and things of that sort--which were never formal lectures, but which were talks that helped build my idea of what is proper or what is improper in life. When he was working on a brief, or on some treatise, because he constantly worked right up to the time of his death in 1913 (I was then at the University of Tennessee, largely ~~at~~ his expense) he would call me in in the days when I was in high school. He'd say, "Come in here, young man, and sit down. I want to think out loud to you. If I can make it clear to you, I know I can make it clear to a court, and I was highly flattered, not at that particular phrase but at the fact that he thought enough of me to have me come in and listen to him, and I would attempt to argue with him.

And on one occasion, I recall, that I didn't see why the precedent in the law should control a case. It seemed to me that the justice of the case should control it and his only remark was a "disgusted, very puerile" and I'll never forget, because I had to go and look up puerile to see what it meant. In those early days in that neighborhood--that was a peculiar, wild sort of a life compared with today--we were in the

country. You didn't order groceries over the telephone, nor did you go to the supermarket. In the morning the solicitor came by and took an order for the groceries. In the afternoon the delivery wagon came by and delivered the groceries. The tinker came by and repaired your pots and pans and sharpened your knives and the gypsies came by and took possession of anything that was loose and they thought they might have use for. I can recall the gypsies in their red, bright yellow and green shirts that looked like they might have enough cloth in them to make the curtains for a full wall. They'd grab hold of me and say, "Let me read your palm," and it would scare me so bad I wouldn't stop running until I bumped my head against the back door. They came in Carnes Avenue (now why that route I don't know), but many a time I've seen the gypsies' wagon with the gypsies walking along the side trying to contact anybody in view, and if they could, they'd read their fortune and take whatever was given to them or what was not given to them.

MISS ORMAN: Your grandfather practiced law all of his life after he came to Memphis?

MR. HEISKELL: Oh, yes. He had three or four law firms here in Memphis--three or four associates.

Is it still on?

MISS ORMAN: Yes.

MR. HEISKELL: His law firm first was Heiskell and Scott. His younger brother, C.W. Heiskell, came in, and at one time it was Heiskell, Scott and Heiskell; and as that firm graduated into Heiskell and Heiskell, my father was the younger Heiskell in the firm. J. B. Heiskell, of course, was, before the war,

chosen as a delegate to draw the first code of Tennessee; that is, the codification of the statutory law and the code of 1858 was partially his work.

In 1870, right after he had established himself in Memphis, he was elected as a delegate to the Constitutional Convention which drew the present Constitution of the State of Tennessee. It's the Constitution of 1870. He was very influential in the drafting of the judicial part of that Constitution. The history of that, of course, is that in order to get out from under the military government, the states of the South had to redraft their Constitutions, establishing universal male suffrage and adopting the 13th and 14th amendments to the Constitutions or the equal rights and equal protection clauses. So he was instrumental in drawing the Constitution for Tennessee, as L. Q.C. Lamar was instrumental in the Constitution of Mississippi. They usually have drawn several additional Constitutions in the various states since that time, but the only thing that happened in Tennessee is a number of amendments to the old Constitution of 1870. I believe that's about all I can say, unless you've got some questions.

MISS ORMAN: Then you lived with your grandfather all
your life until you went away to college?

MR. HEISKELL: From my high grammar school years until

I went off to college, yes. I moved from

the house at Parkway and Carnes to live with grandfather, as explained,

but of course I kept constant touch with the family. I'd stop at our

house and then later on in the afternoon or early evening, move over to

grandfather's, which was a little farther from the street car line than

the home place. F. H. Heiskell started out practicing law with J.B. Heiskell and I remember his early practice included practice at Marion, Arkansas. The only way to get to Marion was by railroad, and he would ride the train over to Marion and try cases there, and if he could, get back that evening or the next evening from Marion. Why he had that Arkansas practice I've never known.

Quite early in his practice he was elected Chancellor of the Court for Shelby County, when that court had only one division; it may have had two, and now has three, but he was the Chancellor of the Chancery Court from about the turn of the century until 1925 or 1930, when he was recommended by the local bar to be appointed to a vacancy on the Court of Appeals for the Western division of the state, there being three divisions of the Court of Appeals, and the Court of Appeals being an intermediary court between the trial court and the Supreme Court for the purpose of relieving the work of the Supreme Court. He was on that court for more than eight years prior to his death.

It was a great disappointment to him that he never made the Supreme Court of Tennessee, but as things worked out, he never had the opportunity. I remember when the bar nominated him. We held the bar meeting in the old county court room in the old court house, and the bar unanimously recommended to Governor Austin Peay that he appoint Chancellor Heiskell to the Court of Appeals. At that time father was upstairs trying or hearing a lawsuit, so the Bar Association appointed a committee of a couple of distinguished members of the bar--and they walked in to the Chancellor Court and said, "Chancellor, we have a mandate from downstairs. The Bar Association wants you to come down." So he excused himself from

the trial of the case and came down to the Bar Association; then the president of the Bar Association announced to him, "Chancellor, we have unanimously recommended you for the appointment to the vacancy on the Court of Appeals." and sat down, leaving father standing.

I can't conceive of a more awkward situation, and as I recall (and it's pretty accurate) this happened: He looked around at the Bar Association and said, "Friends, (and it takes a good deal for a judge to call a lawyer his friends) I have seen lawyers file cases in my court and nurture them as carefully as a mother could raise her child, and I've seen the judge wring the neck of their child in the presence of the lawyer. And it takes a good deal for that judge to call that man his friend, or for that matter to call the judge his friend. About the best a lawyer could do in circumstances of that sort, is what the friends of Hans did in the early settlement of the West. Hans had the reputation of being the meanest man in the settlement of the West. He had several notches in the butt of his pistol and nobody took any liberties with Hans. Finally Hans died, and as the custom in that day, after the parson had said a few words and read a little scripture, he would step back from the edge of the grave and the friends of the deceased were offered an opportunity to say what they had to say in the way of eulogizing the deceased. Well, the parson stepped back from Hans' grave and nobody stepped forward. The situation finally got quite awkward, and finally one fellow stepped forward, and sliding the brim of his hat nervously between his fingers, he said, 'Well, I will say this for Hans. He weren't always as mean as he sometimes was.'"

And with that the judge thanked the bar and sat down. He sat on the Court of Appeals, as I said, for over eight years and died before his last term had expired. He enjoyed the work very much and enjoyed the association with the other judges.

He said one of the judges he was associated with was Judge Jim Senter, Sr. There is a Jim Senter, Jr. still practicing law. Judge Senter said to Judge Heiskell one day, "I'm going up to Knoxville and I would like to meet some of your old friends and relatives up there." So father gave him the names of some of the people that were still there, and among them was a man named Brownlow. I knew some Brownlows when I was up there in school. And when Judge Senter came back from Knoxville (Judge Senter was a great talker--he just loved to talk), he came back and shook father's hand and he said, "Judge, I met your friend and relative, Brownfield, and I had a delightful time talking to him." And father said, "Jim, I'm afraid you said that exactly right."

I used to drive father up to the court very often, and I remember on one occasion that I happened to be up there, C.W. Canada, who was quite a prominent lawyer, flew up in his early airplane and invited the judge to fly back with him. The clerk of the court was much disturbed and said, "Judge, don't you fly back with Colonel Canada; ain't no telling what will happen in that crazy plane of his." So father pulled his hat down over his ears and said, "Well, Mrs. Fleebent, do you know anybody that's got less to lose?" He was then in his early eighties. I thought that father had a turning for oratory. He has written several things, one of them published in the American Bar Journal on the early bar, and the present bar--Bar of the past, the present and the future was his suggestion, giving a brief sketch of the changes of the type

of arguments that were made. His article published, was held for some time because of some political situation that the Bar Association didn't want to publish it, but they did finally publish it and I have a copy of it. Are we on?

MISS ORMAN: Yes.

MR. HEISKELL: Ask me a question.

MR. HICKMAN: Mr. Heiskell, could you tell me the relationship that you father had with General Robert E. Lee?

MR. HEISKELL: Well, he was a student at Washington College when Robert E. Lee was President of it and he was present in college at the time of Robert E. Lee's death. He never gave me much indication of how much contact he had with him as President of the University, but the University at that time had a military curriculum and father was one of the cadets in college and he, along with the others, took his turn at standing guard at the bier at the funeral of Robert E. Lee. He witnessed the funeral, the military unit marching in the funeral parade, and there was the bier, and behind it was "Old Traveler," and behind it the military unit, so he got that much of an acquaintanceship with Lee. What else?

MR. HICKMAN: Well, did he ever say anything in regard to General Lee meeting him in the hallway or any characteristics that might have been remembered about Lee and him?

MR. Heiskell; I don't recall any incident of his personal contact of that type. I remember a story

that he told of Lee's driving in his buggy with one of the cadets when he saw three boys dart across the road and it was after hours and the boys were not supposed to be off campus. Lee turned to the cadet beside him and said, "Who were those boys?" And with that the cadet said, "I couldn't recognize them, General," and Lee said, "I couldn't either." He doubtless knew them perfectly.

MISS ORMAN: Right.

MR. HICKMAN: Mr. Heiskell, where did Colonel C. W. Heiskell make his residence in Memphis, when he came to Memphis?

MR. HEISKELL: Well, C. W. Was, of course, a much younger brother of J. B. Heiskell. He was actually my father's uncle, but almost the same age as my father, and he married Aliza Natherland of Knoxville, who was actually younger than father. Father used to delight in always calling her Auntie. The first residence that I know of in Memphis that he established after the war, having followed J. B. Heiskell to Memphis, was on Pontotoc Street, 572 Pontotoc, which is just east of Lauderdale Street. It was for that day and time a fine residence. J. B. Heiskell moved out in the country, as I related, on Pigeon Roost Road, but they practiced law together, in the same firm. C. W. Heiskell was a member of the Second Presbyterian Church which was at Pontotoc and Hernando, which was right in almost the same neighborhood that he lived in.

And father having established his residence near J. B. Heiskell, at the corner of Parkway and Carnes, was a member of the Park Avenue Presbyterian Church, an early church out in the country, at one time pastored by one of the sons of J. B. Heiskell, Charlie Heiskell, it

was a little box frame church. I've seen the building in my earlier days. C.W. was an elder at Second Presbyterian and father was an elder at Park Avenue.

When they had the bad yellow fever epidemic in Memphis, Park Avenue was just abandoned--just decimated, not enough left to make a church--and so the officers of Park Avenue joined, at the suggestion of the residents of Idlewild, which centered at Union Avenue and McLean, and formed a new church known as Idlewild Presbyterian Church. J.S. Davant was one of the promoters of that. So father was an elder in Idlewild Presbyterian Church and C. W. Heiskell an elder at Second Presbyterian. The story told about the meeting of elders at Second Presbyterian Church, which as I say was at Hernando and Pontotoc, and Hernando west on Pontotoc was a very well established and rather superior type red-light district.

Well, in one of the meetings at the session, a stranger knocked on the door and was admitted, and when they asked what he wanted, he said that there was a certain madam down the street that was dying and she wanted the preacher to pray over her. So Dr. Wood reached for his cane and said, "I will go." "Oh no, Doc Wood, you can't go to a place like that, and he said, "I have been called to go to a place like that." So C. W. Heiskell picked up his stovepipe hat and his walking cane, and said, "Well, if you're going, I'll go with you," and so they went down and prayed for the old woman and came back and finished the session meeting. The only incident that I know of that was mentioned in father's relationship to the church was--oh it was after I was teaching--the men's Bible Class, long after I had graduated from school, and I had

succeeded father and some others as teacher of the older men's class-- and the church became much disturbed over the decision between modernism and fundamentalism. And the fundamentalist were rampant that there could be nothing except the old-fashioned religion. Well to say the least, father was never a fundamentalist; he was a very religious man but free in his thinking. We were in the Men's Bible Class one morning when one of the staunchest of the young members stepped forward and said, "Judge, these modernist are going to ruin our church." Then he realized that he didn't know whether father was fundamentalist or not, and he stopped and looked up and said, "Judge, you are a fundamentalist, aren't you?" And father said, "Oh yes, Mr. Parrish, of course I'm a fundamentalist, but I like to choose my own fundamentals." Well, that didn't bother Mr. Parrish at all--the fact that he said that he was a fundamentalist was all that was necessary, and so they left in peace.

They had a program of building the church--the present Idlewild Church was just getting started--and there was a vacancy that occurred on the trustees of the church. The trustees was just a corporation to hold the property of the church, and I hope it'll hold the property of the church, regardless of what the decision in the present General Assembly turns out to be, because it is a corporation and it's separate from the church and owns the property of the church.

Father was on the trustees and they invited me to become a trustee. I was quite young and they wanted to make me secretary and treasurer of the trustees, and I said, "I'll be glad to be on the trustees but I don't want to handle the finances of the church. Let somebody else do

that." So they finally compromised and elected me to the Board of Trustees without putting on me the obligation of taking care of the finances, and it was some months after that I found out that the predecessor in the treasury had had a little trouble accounting for the cash, so I had been very innocent about it, but had avoided the trouble at any rate. I think the man that handles finances for the church ought to be a man who is really settled in his own finances and I didn't want to fool with it because I was broke as could be. However, as the evolution of the years goes on, I'm now secretary and treasurer of the trustees of Idlewild Presbyterian Church. Why, I don't know.

MS. ORMAN: I'd like to change the subject and ask you if you've ever heard your family talk much about the yellow fever epidemic here, particularly 1878?

MR. HEISKELL: Well, I don't remember the 1878.

MISS ORMAN: No, I said your family--do you recall them talking about it?

MR. HEISKELL: Oh yes, I recall, and that accounts for my being born on Pontotoc Street, instead of being born in either father's house or grandfather's house. I'd rather been in father's house. Only that the epidemic was terrific, and I have gone through the old papers of that year--the newspapers--and there would be column after column of deaths, and they had so many they couldn't bury them properly. And they carried them off in wagons to cemeteries or wherever they could deposit them and covered the bodies as best they could, and as I mentioned, it just ruined the little Park Avenue Presbyterian Church. There weren't enough people left to run a church. They

have remarked a number of times of the horrors of it. Now I remember a yellow fever epidemic in which Memphis was quarantined, and if my recollection is right it was 1897, but I'm not sure. We were quarantined--nobody could come in or out without having passed the health inspection. It was one of the earlier ones--about 1890--you see, that caused mother and father to move in town on Pontotoc Street and rent a house there diagonally across the street from the old C.W. Heiskell home, and I was born there on Pontotoc Street.

MR. HICKMAN: How long did you stay there Mr. Heiskell?

MR. HEISKELL: Well, just until the epidemic was over, then moved back to the Parkway-Carnes residence.

MISS ORMAN: I think that J. B. Heiskell was still quite active--or was he--at the time that Memphis was no longer a taxing district, when they went to begin to elect their own officers? Have you ever heard your family discuss this?

MR. HEISKELL: Well, of course, the reason for the taxing district was that when the yellow fever epidemic hit, the city of Memphis was broke. The city was just ruined financially and couldn't pay its debt so they just abolished the city of Memphis and established the taxing district of Shelby County. And the taxing district was nothing else in the world but a municipal organization for the purpose of collecting taxes so that they could operate the built-up urban area of the town as you must with police and fire dept., etc., and collect some taxes to pay for the expense. They later changed the name of the taxing district back to the City of Memphis, but it never was the old corporation, and it never did pay off the debts of the old corporation.

You're asking about the early days of the locality out there, which the law partner, Tom Kelly, later called Heiskellville. The means of transportation first was the Southern Railroad and the nearest station was Montgomery Park Station--the old race track which is now the Fairgrounds. The accommodation train would stop there, but that was a full mile from our home and a pretty rugged sort of way to get to and from work. So later, in order to accommodate the crowd to the race track, they built a dummy line--a steam engine which was called a dummy (why I don't know); a very small steam engine which pulled the cars instead of electricity--and it succeeded the old horse-drawn transportation cars. The dummy would run out to what was called Fleece Station and then turn east to go to Montgomery Park. Now Fleece Station is now Cooper and Young. That's the intersection which was then Fleece Station, and when the dummy line was established we'd go to town in the morning and come back in the evening on the dummy line, if it stayed on the track. It had a habit of running off the track every once in a while. The boys would come in and say, "Oh we had some fun," when it happened. The last time the dummy run off the track we just got out and pushed it back on again and came on home.

And I remember the crowds at Montgomery Park. They had pretty good races; it was a first class racetrack and my stunt was to climb a telephone pole to get up high enough to look over the fence and watch the races, and the guard or policeman would come by and run me off the telephone pole and as he went one way, I'd go another and climb up another telephone pole and watch the next race. So we had quite a time at Montgomery Park. It was somewhat later that they

established what was known as the East-end Streetcar Line, and in that day and time the streetcars closed the passengers in but not the motormen. The motorman was out on a platform in front and exposed to the weather and it'd be pretty rugged handling the East-end streetcar down Cooper Street and out to the Fairgrounds. Then, of course, they got them modernized and finally discarded them for the buses. They've changed the route now so that it doesn't go the same way. Used to come out Madison Avenue, down Cooper Street to Young, east on Young to the Fairgrounds. Now they go down Central and other ways.

MISS ORMAN: Do you recall any of the floods in Memphis and any of the events?

MR. HEISKELL: Oh yes, and one of the reasons that my father was so interested in purchasing real estate in the neighborhood of Parkway and Lamar was the fact that he said the city was bound to come in this direction. Wolf River has it blocked on the south, but of course there wasn't much public money in that day and the building of a bridge across a river was a tremendous undertaking, and there just wasn't any. But with the bridges and the levees, why Frayser and Whitehaven grew up on the outside of the barriers before they finally came east along Lamar and Pigeon Roost Road. They finally came out that way, but too late to make anything of the real estate investment. Father would buy real estate and sell it and that's the way he educated the seven children he had. The salary that he got as Chancellor, when appointed, increased, of course, along with the decrease of the value of the dollar. The salary that he got when he was first appointed Chancellor was \$2500 a year, and he had a family of seven children, so you can see

what he had to deal with.

MR. HICKMAN: Mr. Heiskell, how large was the Heiskell farm, in the Parkway area?

MR. HEISKELL: The Heiskell farm, I guess you would have to say, was kind of like the Heiskell family residence--it just spread. Whenever there was a piece of property in the neighborhood that was for sale at a reasonable price, father would try to buy it. He had no money; he bought it on a down payment and a mortgage, and when he died, in 1933 I guess, the effect of the depression was right at its height, and I had left on hand all those equities in real estate, assessed at approximately \$200,000, which would be equivalent to about a million dollars today and I couldn't sell it for \$20,000.

They had one piece of property, by the way--it's the old homeplace of the J. B. Heiskell home; it had 9 or 10 acres in it--and they had it assessed at \$26,500. I went through the Board of Equalization and I said, "Now there isn't any argument about the present value of that property, I've had it for sale for years and I can't sell it, and any man who will give me \$10,000 for the whole thing can have it. Any one of you on the board that will give me \$10,000 can have it." So when I finished my argument, the Chairman of the Board said, "Well, it does look like you are entitled to some relief, Mr. Heiskell." So they went into executive session and after they had made their decision. I went back and looked at the book and sure enough they had given me some re-

lief--the assessment was reduced from \$26,500 to \$26,000--and I had to pay taxes on that kind of assessment when I couldn't sell the property, so it took me fifteen years really to wind up the Heiskell estate.

When I went to wind it up, I found out that when father wanted to buy one piece of property and he didn't have enough money, and grandfather didn't have enough cash, he would find another subscriber or partner, and when I looked up the titles to the Heiskell farm --which included about 200 acres; they were not necessarily all joined, there were some absent spots where we never could get title, and some of it was a little bit removed, but about 200 acres of it--and when I went to search the titles there were 27 different combinations of Heiskells in those titles. Some lawyer friend would join in for part interest; some real estate men would join in for part interest; and different members of the family would join in for part interest, and then those interests had descended and divided among the heirs. So at the time I filed the lawsuit to sell the real estate--got the courts permission as executor or administrator of the estate (father left no will)--there were 27 different types of titles, and when you talk about getting a deed signed in that day and time with that many people, it was really something. However, I paid off all the debts and had a division among the heirs, so that they all got something out of the real estate.

MR. HICKMAN:

About what year, Mr. Heiskell, did your relatives sub-divide the land and sell lots in that area along the Parkway? Was it after the Parkway was run through that area?

MR. HEISKELL: Oh no, it was because of the Parkway coming through that F.H. Heiskell obtained the right of way. See, the Park Commission (and Mr. Galloway was then Chairman or President of the Park Commission) wanted to run a parkway, or boulevard would be the French name for it, around the city of Memphis, and the parkway was built around the city of Memphis. It is now inside the middle of the city, but it was then around the city of Memphis to connect Overton Park and Riverside Park. And father obtained gifts of right-of-way. Of course the gift was not purely eleemosynary, because it was out of tracts of land which left lots on the parkway, and the giver of the right-of-way was hoping to recruit more than the value of the property given by the increased increment in value. I remember father saying that he liened the title in Overton Park, nearly to Bellevue, on South Parkway--where it goes around and turns south and goes down to Bellevue and was south of town, then, that the only place that he could not apply a title, either by gift or condemnation, was the cemetery known as Mt. Zion Cemetery, and if you drive south on the Parkway you will see even today that the Parkway curves into a single lane and then back out into a double lane, because they could not condemn Mt. Zion Cemetery, which was a public cemetery.

MR. HICKMAN: About what year was this, Judge Heiskell?

MR. HEISKELL: I hate to say. I'd say 1910, 11 or 12--right around in there. The reason I say that is I remember when they graded the parkway. They tore up the old Cooper Street and made this double drive and park space in the center, and neutral strip on either side between the curb and the sidewalk--very pretty outlay really--and they graded it all down to bare clay and

then the winter came. I was staying with grandfather and the mud on the gravel of Pigeon Roost Road wasn't anything to the mud on Parkway. And there was no sidewalk---no way to get back and forth. So the family somewhere bought me a pair of boots. I never had walked in boots, so I didn't know you had to walk differently. So I was enjoying my boots; well, as you pick up one leg, the mud of the bottom of the boot would get higher on the other boot, and it walked on up. When I got to school the mud was up to my middle and I had to learn to walk in boots. They later, of course, paved the Parkway and we divided up several subdivisions along the Parkway, and that was part of the property that I had left that I couldn't sell--the Parkway lots.

MR. HICKMAN: So it was about that time then that Parkway was subdivided into lots and homes were built in that area?

MR. HEISKELL: Yes, right after that, when they finished up the Parkway, we opened up our subdivisions. Everybody along the Parkway opened up a subdivision. But probably the place that got the best of it and still has the best of it, is from Poplar Street south, on East Parkway--from Poplar Street coming to the Fairgrounds--in that direction. Those residences were expensive, fine residences and the neighborhood has held on better than any other neighborhood on Poplar. The idea of the boulevard was a promenade, so to speak. It was supposed to be a street mainly for pedestrians and for non-commercial travel. And when they started to putting trucks on the Parkway, I went back to the original titles, fought with the city traffic departments regarding the isolation that was intended by those dedicating

it for a promenade and succeeded mostly in keeping the trucks off of those parts of the Parkway which were original dedications. Now where the dedication took up a whole street--like Cooper Street, or what was then Trezevant Street (now Airways)-- where it took up a whole street you couldn't say that your dedication was completely for pleasure vehicles. Of course at that time there weren't any automobiles--it was horse-drawn vehicles. I had me a little buggy and a nice little Kentucky horse, we had a great time trotting around the neighborhood.

MR. HICKMAN: Then you'd say your father was quite instrumental in running the Parkway through there?

MR. HEISKELL: : He undertook to work with Mr. Galloway to obtain that part of the Parkway right-of-way, and wherever they couldn't get a gift of the right-of-way why they had to condemn it. But most of it, as he said he ran it all the way from Overton Park to Zion Cemetery without running into an obstacle that he couldn't overcome.

MISS ORMAN: Was there a John M. Heiskell who was one of the engineers of the Parkway?

MR. HEISKELL: No.

MR. HICKMAN: That was your brother--Hugh McKinney .

MR. HEISKELL: Hugh McKinney? Hugh McKinney Heiskell worked on the sale of the Heiskell lots on Parkway, but he never did get in the engineering of it. Now Heiskell Rutherford, who was a cousin, was later city engineer. At that time he was a contracting engineer and he did a good deal of the grading of the Parkway-- did it by contract--but I can remember that much.

MR. HICKMAN: What various members of the Heiskell family
lived on the farm, along the Parkway, including your father?

MR. HEISKELL: Well, the father and his immediate family
and then his sister Eliza Weatherford, that
lived [on] Cooper Street, at the end of the Southern Railroad--her residence was there and she and her family lived [there]. We lived at Parkway and Carnes, and then my older brother, Lamar, built a house directly across Parkway, still on the south side of Carnes, and he built one of the first houses in there. He later built another house that was just south of the old home place. It's on the same side of Parkway. Those are the only residences that we actually built there. The Weatherford house was the more substantial, It was a two-story brick, fine house of its day, and Cecil Weatherford, who married father's sister, Eliza, was a fancier of race horses and he raced his horses at Montgomery Park, among other places. I remember walking down in front of the stalls in his barn where he kept his thoroughbreds, and I remember one taking a nip at me, but he didn't get me!

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